

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----x  
TIMMY WALLACE

Petitioner,

15 cr 794 (PKC)  
20 cv 7134 (PKC)

-against-

ORDER

UNITED STATES OF AMERICA,

Respondent.

-----x  
P. KEVIN CASTEL, District Judge:

Mr. Wallace petitions this Court to vacate his sentence. He has moved to have the Court request that counsel undertake his representation and assist him in filing his reply. (Doc 198.)

I have considered, to the extent feasible at this early stage, the factors set forth in Hodge v. Police Officers, 802 F.2d 58, 61-62 (2d Cir. 1986). At this stage, Mr. Wallace has not demonstrated that the appointment of counsel is necessary to a full exploration of the issues, although I may revisit this issue as the matter proceeds.

Petitioner's application for the appointment of counsel is denied without prejudice.

Mr. Wallace has also filed a Motion for Default Judgment on November 13, 2020. (Doc 203.) It appears that he has not received the government's Memorandum of Law in Opposition to his petition to vacate his sentence. The government is directed to mail another copy of their Memorandum of Law in Opposition to Mr. Wallace within 5 days of this order. Mr. Wallace shall have thirty days from the date of this Order to file his reply. Petitioner's motion for entry of a default judgment is denied. The clerk shall terminate the respective motions (Docs 198, 203).

SO ORDERED.

Dated: New York, New York  
November 17, 2020



P. Kevin Castel  
United States District Judge